

United States District Court  
For the District of New Hampshire  
U.S. DISTRICT COURT  
DISTRICT OF N.H.  
FILED

2013 NOV 19 P 12:02

Petitioner Dominic Ali

v.  
Defendant Edward Reilly, N.H. State Prison

Civil NO: 12-cr-364-SM

Plaintiff's Objection to the States defendant's  
Reply Memorandum.

NOW COMES, Dominic Ali, sui juris, respectfully  
requests this Honorable Court to grant this  
Objection for the following reason states below;

On October 10, 2013, this Court issued its report  
and recommendation (CEF Doc, 23) recommending that  
the District Court Judge deny Mr. Ali's motion for  
summary judgment and grant the States motion  
for summary judgment, that is meritorious, and  
dispositive.

"The nativity requirement help to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of facts or the law. At the sometime it preserves both the appearance and reality of fairness generating the feeling so important to a popular government that justice has been done, be ensuring that no person will be deprived of his interest in the absences of a proceeding in which he may present his case with assurance, that the arbiter is not predisposed to find against him" (Quotation and citation omitted). See: Ali's Exhibits (B1 to B10)

The object of Summary Judgment is to pierce the boilerplate of the pleading and assay the parties' proof in order to determine whether trial is actually required," See; Davila v. Corporacion de P.R. para la diffusion publica, 498 F.3d 9, (1st cir. 2007). quoting Acosta v. Ames Dept Stores, Inc, 386 F.3d 5, (1st cir. 2004). "the nonmovant may defeat a Summary Judgment motion by demonstrating

through submission of evidentiary quality that a trialworthy issues persists".

The Equal protection clause of the fourteenth Amendment requires States to treat similarly situated people alike. It prohibits a state from denying any person within its jurisdiction the equal protection of the law. The Fifth Amendment extends this protection to action taken by the Federal government under the equal protection component of the due process clause - see; "Baker v. Lewis", 2011 U.S. Dist Lex 106859.

On October 21, 2013, Mr. Ali, filed an objection to the Court report and recommendation and Defendants' Summary Judgment (Ex Doc. 24).

Mr. Ali is a prisoner with less understanding that he is require to object to States defendant Summary Judgment. Mr. Ali thought the Court will identify the States defendants' statement of Fact and the Honorable Court will contends if there is genuine dispute exists so as to require a trial, After the Court admits Mr. Ali's properly supported Facts.

3 of 8 Mr. Ali is not an attorney and neither that he receive legal advise from an attorney. See; Chesser v. Walton, 2013 U.S. Dist Lex 66654.

There is a reasonable probability, that the Court reports and Recommendation would have been different if Mr. Ali filed a response to the States defendant's motion for Summary Judgment. The Court notice that Glenn did not file a response to the defendant motion for Summary Judgment and their for admitted defendant factual statement, and offer no chance for correction or manifesto. Mr. Ali did not intend to use an objection to this Court report and recommendation as a vehicle for bringing any objection to the States defendant motion for Summary Judgment. That's not true. Mr. Ali for good cause filed his objection in fairness of this Court judgment, and will not waived any objection to the prejudice States defendant meritless argument or statement, filed on 8/22/2013, See; generally Ford v. McGinnis, 357 F.3d 582 (2d Cir. 04)

With respect of Muslim services, Mr. Ali reasoning that it's senseless to force a prisoner to engage in the empty formality, when his Constitutional Rights been violated every Muslim in Ambic means Friday prayers. On Oct 17, 2013, Mr. Ali for good faith filed a requests slip to the NCF

Office of the Commissioner responded the same way to inmates Simpson, Knapp, Silver and now Mr. Ali. The "empty formality" and relief that it did not want to provide - with respect to Ramadan the Commissioner returned Mr. Ali's complaint unanswered. And goes as well with the issues of the NCF removing Mr. Ali from the Ramadan list. Mr. Ali filed a request slip and a grievance form with the Warden and it was unanswered. See; Mr. Ali's Exhibit A2 Filed on 10/21/2013, with this Court - it's not so simple as this Court may think it seems, when inmates challenging prison conditions of confinement. There is a discriminatory intent to deny Muslim of their rights by the NCF and retaliation to Mr. Ali's litigation actions. Mr. Ali made an effort and his request slip and grievance form return unanswered. Mr. Ali exhaust the first two legs of NCF grievance system that is unfair and ineffective, and the NCF have no independent review by someone who is not under the direct supervision or control of the institution. See; Rocky v. Vittorie, 813 F.2d 734, (5th Cir. 1987). Also; Lewis v. Mexco, 630 F. Supp 937 (E.D. Wis. 1986) prisoners who did not fully exhaust within 90 days was given another 90 days to do so, with the Court stay the lawsuit

pending resolution of the grievance to the Commissioner who will not provide Mr. Ali monetary relief with Mr. Ali's complaint of lack of JMWJ services. See; Baugh v. Taylor, 117 F.3d 197 (5th cir. 1997). That this lawsuit would not been filed with this Court due to the waiting games by the NLF to withhold paper-work. Mr. Ali admits that there is no competent evidence to support this complaint because his evidence of complaint comes from the States defendant who suppress these kind of evidence. Regardless of whether Mr. Ali invoked equal protection, fundamental fairness is necessarily for due process of law. See; Shub v. Quinlan, 901 F.2d 1748 (5th cir. 1990) also; Arrie v. Stader, 53 F.3d 705 (5th cir. 1995). Mr. Ali advised this Court on his lawsuit filed on 9/26/12, that Edward Reilly response to his issues with no solution, like always piggy back his staff statement. Mr. Ali showed a substantial effort to obtain an administrative remedy and prays that this Honorable Court allowed him to amend his complaint if this Court thinks the last leg to the commissioner office may provide Mr. Ali with the relief he seeks. Where its appropriate and its in the interest of justice to stay this

case pending resolution of procedure. And it has been filed this Date 11/14/2013, with the Commissioner's Office, issues about the NCF removing Mr. Ali from the Ramadan list and correction officer complaint. See; (Ali's Exhibit A2) filed with this Court. For good cause. This has been a mental stress to Mr. Ali where he is challenging his unconstitutional conviction in a criminal proceeding by the state defendant in this Court, where Mr. Ali suffered intentional discrimination and hostile environment that is in violation of Mr. Ali's civil rights act of 1964, where the state defendant abuse its power in a position of authority through the State of N.H. See; Liner v. Goord, 310 F. Supp. 2d 550 (W.D. NY 04).

Mr. Ali spent his time writing and looking for help in the outside and have records of letters sent looking for attorney's help or advice. That's been nothing but a waiting issue.

### Conclusion

1) For the reason Mr. Ali states that;

For the interest of Justice stay this case pending the last leg of resolution of grievance procedure for 90 days;

2) Deny the States defendants  
motion for summary judgment;

3) Grant Mr. Ali motion for summary  
judgment as a matter of law in  
the interest of justice for further  
other relief as just and equitable.

### Certificate of Service

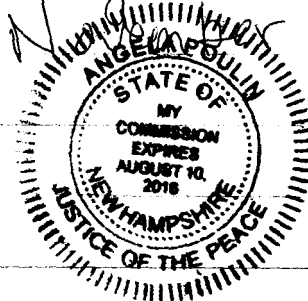
I, Dominic Ali, hereby certify under penalty  
of perjury that a copy of this motion  
has been forwarded to the ITG Office in  
Concord. 11/14/2013.

11/14/13

Dominic Ali

Dominic Ali 81824  
138 East Milan Rd  
Berlin, NH 03570

Angela Poulin



14, 2013



Dominic Ali; 81829  
138 East Milton Rd  
Berlin, NH 03570

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U.S. Dist Court  
55 Pleasant St R110  
Concord, NH 03301

Dear Mr. Clerk;

I would to  
thank you for your understanding of my  
situation. I'm still out of fund to make  
all copies as required by this Court Rules.  
I'm doing my best. Would you please send  
the state respondent copy of Ali's Exhibit  
(B10) please, its one of six pag. And  
there is anyway to know how long the  
Court would issue an opinion on Doc NO;  
185 JL, Ali v. Gerry, Criminal Conviction.

if you have any question, please  
write back at any-time.

Respectfully Submitted,

Dom Ali

11/14/13